

Practitioner's Docket No. 380.42

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Serobian, Ashot

Application No.: 09/665,245

Group No.: 1713

Filed: 09/18/2000

Examiner: Reddick

For: Non-Wax, Superior Gloss Polishing Compound

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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DEC 17 2004
TC 1700

PETITION FOR REVIVAL OF AN APPLICATION
FOR PATENT ABANDONED UNINTENTIONALLY UNDER
37 C.F.R. § 1.137(b)

1. This application became abandoned on September 25, 2002.
2. This application became abandoned because the failure to prosecute was an unintentional delay. The entire delay in filing the required reply from the due date until the filing of this petition was unintentional (37 C.F.R. § 1.137(b)(3)).
3. Response or action required is attached.
4. Fee (37 C.F.R. § 1.17(m))
Application status is other than small entity—fee \$1,370.00.

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)

I hereby certify that, on the date shown below, this correspondence is being:

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deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

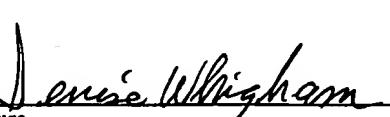
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37 C.F.R. § 1.10*

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TRANSMISSION

facsimile transmitted to the Patent and Trademark Office, (703) _____.


Signature _____
Denise Whigham

03/11/2005 AKELLEY 00000025 032270 09665245

01 FC:1453 1500.00 DA
Date: December 8, 2004

Denise Whigham

(type or print name of person certifying)

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.703(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

5. Payment of fee

Authorization is hereby made to charge the amount of \$1,370.00 to Deposit Account No. 03-2270.

A duplicate of this petition is attached.

Because this petition is more than 1 year after the date of abandonment, applicant additionally submits further information below as to when the applicant (or applicant's representative) first became aware of the abandonment of the application, and a showing as to how the delay in discovering the abandoned status of the application occurred despite the exercise of due care or diligence on the part of the applicant (or applicant's representative). 62 Fed. Reg. 53,131, 53,159 (Oct. 10, 1997).

The Applicants' representative was diagnosed with a serious illness that required him to take significant time off of work. During this illness the present application unintentionally became abandoned due to a failure to respond to the non-final office action caused by a docketing mistake. The result of that mistake was the deadline for response to the non-final action was inadvertently missed. Recently, Applicant's representative discovered that the application was abandoned and since that time has diligently worked to prepare a response to the outstanding office action and a petition for revival of an unintentionally abandoned application.

Date: 12/08/04



Signature of person making statement that abandonment was due to unintentional delay

Joel Hayashida
P.O. Box 24305
Oakland, CA 94623-1305

Date: 12/08/04



Signature of Practitioner
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